EXHIBIT "E"

In The Matter Of:

MALIBU TEXTILES, INC., v. CAROL ANDERSON, INC & CABI, LLC,

JOHN IRWIN March 6, 2008

URBAN COURT REPORTING 25West 45th Street - Suite 900 New York, NY 10036 PH: 212-661-8260 / FAX: 212-692-9171

IRWIN, JOHN - Vol. 1

JOHN IRWIN

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----X

MALIBU TEXTILES, INC,

Plaintiff,

Civil Action No.

-against- 07-CV-4780(SAS)

CAROL ANDERSON, INC and CABI, LLC,

Defendants.

_____X

March 6, 2008 1:35 p.m.

Deposition of JOHN IRWIN, taken by Plaintiff, pursuant to Notice, at the offices of Lazarus & Lazarus, 240 Madison Avenue, New York, New York, before Jowell Falsetta, a certified Shorthand Reporter and Notary Public within and for the State of New York.

3 (Pages 6 to 9)

			3 (Pages 6 to 9)
	Page 6		Page 8
1	JOHN IRWIN	1	JOHN IRWIN
2	At any time you want to speak to your		1994?
3	attorney, you may except if there is a	3	A. Yes, it could be 13 years but I
4	pending question.		think it is 14 now.
5	Meaning between my question and your	5	Q. And do you have any college
6	answer, I prefer strongly that you do not	6	degrees?
7	consult with your attorney until after you	7	A. Yes.
8	have given an answer in the ordinary course	8	Q. And what degrees do you have?
9	I'll have no objection for you taking a break	9	A. Bachelor of science degree in
10	to speak to Mr. Kaplan or any reason.	10	business administration organizational
11	If you need a break for anything just	11	development.
12	let me know.	12	
13		13	Q. When did you obtain that degree?
1	A. Okay.	14	A. I am guessing now I am going to
14	Q. Mr. Irwin, where are you		say 1986, '87.
15	currently employed?	15	Q. Before you became an independent
16	A. Malibu Textiles.	16	agent to Malibu Textiles?
17	Q. What position do you hold at	17	A. Yes.
18	Malibu?	18	Q. Have you had any full-time
19	A. President.	19	employment after obtaining your degree other
20	Q. For how long have you been	20	than at Malibu Textiles?
21	president of Malibu Textiles?	21	A. Yes.
22	A. Six weeks approximately.	22	Q. Where else were you employed?
23	Q. And prior to being president of	23	A. My father's company.
24	Malibu Textiles, were you employed by Malibu	24	Q. Again if you would wait until I
25	Textiles?	25	finish the question.
	Page 7		Page 9
1	JOHN IRWIN	1	JOHN IRWIN
2	A. Yes.	2	Where else have you had full-time
3	Q. And what position did you hold	3	employment?
4	prior to being president?	4	A. In Los Angeles.
5	A. Vice-president.	5	Q. Where was that?
6	Q. When did you first join Malibu	6	A. A company by the name of Mark
7	Textiles?	7	Textiles.
8	A. In New York?	8	Q. In what period were you a
9	Q. Ever.	9	full-time employee of Mark Textiles?
10	7	10	A. To the best of my recollection,
11	-	11	I was working there while I was in college,
12	• •	12	finishing college in Northridge.
13	• •	13	So it was probably around the year
14	•	14	1985, 1984. So I worked for my father in
15	"	15	1984 as full time, completed college in the
16	5	16	evening and then went to work for Malibu
17		17	after that.
18		18	
1		19	Q. Just to be clear, after you got
19		1	your college degree, where had you been
20	• •	20	* *
21	• •	21	
100	A. I would have to check my	22	
22) J	100	O 701-4 1 0
23	•	23	• •
	believe I have been here now 14 years.	23 24 25	A. Yes.

9 (Pages 30 to 33)

Page 30 Page 32 Page 332 Page 333 Page 332 Page 333 Page 332 Page 333 Page 332 Page 332 Page 332 Page 333 Page 332 Page 333 Page 33				9 (Pages 30 to 33)
2 received, look it over, maybe a one-minute conversation. That was the extent of it that I would recall. 3 Q. And this document as the prior document is dated September 20 of 2005. 4 Are you aware of any circumstances or event transpiring in that time period such that Mr. Dickinson or Mr. Fishback created the original of the next document is a third document called acknowledgment of rights that appears to also have a signature but at this time by Yolanda Kramm. Do you see that? A. Yes. Page 31 JOHN IRWIN Q. And dwas that at the same time that you saw the Fishback and Dickinson or A. Yes, I do. Do you see that? A. Yes, I do. Page 31 JOHN IRWIN Q. And do you see that this document? JOHN IRWIN Q. And do you see that this document? A. Yes, I do. Page 31 JOHN IRWIN Q. And do you see that this document? A. Yes, I do. Page 31 A. Yes, I do. Pa		Page 30		Page 32
2 received, look it over, maybe a one-minute conversation. That was the extent of it that I would recall. 3 Q. And this document as the prior document is dated September 20 of 2005. 4 Are you aware of any circumstances or event transpiring in that time period such that Mr. Dickinson or Mr. Fishback created the original of the next document is a third document called acknowledgment of rights that appears to also have a signature but at this time by Yolanda Kramm. Do you see that? A. Yes. Page 31 JOHN IRWIN Q. And dwas that at the same time that you saw the Fishback and Dickinson or A. Yes, I do. Do you see that? A. Yes, I do. Page 31 JOHN IRWIN Q. And do you see that this document? JOHN IRWIN Q. And do you see that this document? A. Yes, I do. Page 31 JOHN IRWIN Q. And do you see that this document? A. Yes, I do. Page 31 A. Yes, I do. Pa	1	JOHN IRWIN	1	JOHN IRWIN
3 conversation. That was the extent of it that 4 I would recall. 5 Q. And this document as the prior 6 document is dated September 20 of 2005. 7 Are you aware of any circumstances or event transpiring in that time period such the Mr. Dickinson or Mr. Fishback created to these documents titled acknowledgment of rights? 12 A. I'm not aware. 2 A. I'm object in the second sentence in time by Yolanda Kramm. 15 appears to also have a signature but at this time by Yolanda Kramm. 16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 2 A. Yes. 21 A. Yes. 22 Q. And was that at the same time 22 A. Yes. 23 document? 24 A. Yes. 25 A. Yes. 26 Q. Doyou know who Ms. Nielson is? 27 A. Yes, I do. 28 Q. Daty ou ever seen the original or the attached sketch which is initialed by ms. 29 Q. Did you ever speak to her at all? 20 Q. That has been initialed by Ms. Kramm? 11 A. A copy of the original-to-there. 20 Q. When did you see that? 21 A. The sketch that is referred to here. 20 Q. When did you see that? 22 Q. When did you see that? 23 Q. Who is his registration? 24 A. No, I didn't see park to her original of that sketch which has been initialed by Ms. Kramm? 21 A. Yes. 20 Q. When did you see that? 22 Q. When did you see that? 23 Q. Did you show what a work for hire initials of the sketch which has been initialed by Ms. Kramm? 24 A. No, I didn't see at the second sentence, I 25 A. Yes. 26 Q. Did you ever speak to her at all? 26 Distributor's Association in their office. 27 A. No. 28 Q. Did you ever discuss this registration for pattern 1967 with Ms. 28 Q. Did you ever discuss this 29 Q. Did you e		1		13
4 I would recall. 5 Q. And this document as the prior document is dated September 20 of 2005. 7 Are you aware of any circumstances or event transpiring in that time period such that Mr. Dickinson or Mr. Fishback created these documents titled acknowledgment of rights? 10 these documents titled acknowledgment of rights? 11 a A. I'm not aware. 12 A. I'm not aware. 13 Q. And the next document is a third adocument called acknowledgment of rights that appears to also have a signature but at this time by Yolanda Kramm. 15 Do you see that? 16 A. Yes. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document be before? 21 A. Yes. 22 Q. And was that at the same time document? 23 that you saw the Fishback and Dickinson document? 24 document? 25 A. Yes. 26 Q. And do you see that this document states at the second sentence, I created the original on the attached sketch which is initialed by ms. 4 Do you see that? 7 A. Yes, I do. 8 Q. Have you ever seen the original or a copy of the original—lound in this point in the proper or original of that sketch which has been in initialed by Ms. Kramm? 10 A. Yes. 11 A. A copy of the original—lound in this point in the properson that a three and the properson that initialed by Ms. Kramm? 12 A. The sketch that is referred to the fere. 13 A. The sketch that is referred to recall adjust the properson that initialed by Ms. Kramm? 14 A. Yes. 15 Do you attended TDA meetings? 16 A. Yes. 17 Q. You attended TDA meetings? 18 A. Yes. 19 Q. That has been—10 initialed by Ms. Kramm? 10 A. A copy of the original—11 initial or the sketch. 10 A. No, I don't recall seeing her initials but I certailly did not have her initials but I certailly did not have her initials out he sketch. 10 Q. Metave you ever seen the original—12 Q. That has been—13 initialed by Ms. Kramm? 11 A. A copy of the original—14 Q. The sketch which has been in initialed by Ms. Kramm? 12 A. Yes. 13 Q. When did you see that? 14 Q. The sketch that is referred to recall. 15 Do you know w	1			
Southern is dated September 20 of 2005. Are you aware of any circumstances or event transpiring in that time period such these documents titled acknowledgment of trights? A. I'm not aware. Q. And the next document is a third document called acknowledgment of trights? A. Yes. Q. And the next document is a third document called acknowledgment of trights that appears to also have a signature but at this appears to also have a signature but at this 16 time by Yolanda Kramm. Do you see that? A. Yes. Q. Have you ever seen this document before? A. Yes. Q. And was that at the same time at they before? A. Yes. Do you see that? A. Yes. Page 31 JOHN IRWIN Q. And do you see that this document? A. Yes. Do you see that? A. Yes. A. Yes. Do you see that? A. Yes. Do you see that? A. Yes. Do you see that? A. Yes. A. Yes. Do you see that? A. Yes. A. Yes. A. A trib a been- In initialed by Ms. Kramm? A. The esketch. A. A trib esketch that is referred to bence. Have you ever seen a copy or the original of that sketch which has been initialed by Ms. Kramm? A. The esketch that is referred to bence. Have you ever seen a copy or the original of that sketch which has been initialed by Ms. Kramm? A. The esketch that is referred to bence. Have you ever seen a copy or the original of that sketch which has been initialed by Ms. Kramm? A. The exact date I would not recall. Q. When did you see that? A. The exact date I would not recall. Q. But you saw her initials? A. No. Q. Have you attempted to speak to the sketch. Do you know whethe rinitials in the form of you. Do you know whether what you saw the finitial which has been in third the seen in the proposed of that sketch. A. Ton the second page of that all registration for patter		1		17
document is dated September 20 of 2005. Are you aware of any circumstances or event transpiring in that time period such that Mr. Dickinson or Mr. Fishback created these documents titled acknowledgment of rights: A. I'm not aware. Do you see that? Do you see that? A. Yes. JOHN IRWIN JOHN IRWIN A. Yes, I do. A. Yes, I do. A. Yes, I do. B. A. Yes, I do. A. Yes, I see that. JOHN IRWIN A. Yes, I see that. JOHN IRWIN A. Yes, I do. B. A. Yes, I see that. JOHN IRWIN A. Yes, I do. A. Yes, I see that. JOHN IRWIN A. Yes, I do. B. A. Yes, I see that. JOHN IRWIN JOHN IRWIN A. Yes, I see that. JOHN IRWIN A. Yes, I see that this office. Page 31 JOHN IRWIN A. Yes, I see that. JOHN IRWIN A. Yes, I see that this object in their office. Page 31 JOHN IRWIN A. A copy of the original— G. Did you ever seeak to be at all? A. A copy of the original— G. Did you ever seeak to be at all? A. A copy of the original— G. Did you ever discuss this registration for pattern 1967 with Ms. Nielson? A. Yes. A. Yes. JOHN IRWIN A. A copy of the original— G. Did you ever discuss this registration for pattern 1967 with Ms. Nielson? A. Yes. A. Yes. JOHN IRWIN JOHN IRWIN A. A copy of the original— G. Did yo	1 -			
7 Are you aware of any circumstances or 8 event transpiring in that time period such that Mr. Dickinson or Mr. Fishback created 10 these documents titled acknowledgment of rights? 12 A. I'm not aware. 13 Q. And the next document is a third 14 document called acknowledgment of rights that appears to also have a signature but at this 16 time by Yolanda Kramm. 15 Do you see that? 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 20 A. Yes. 21 A. Yes. 22 Q. And was that at the same time 23 that you saw the Fishback and Dickinson 24 document? 25 A. Yes. 26 Q. Who winch is initialed by me. 27 A. Yes. 28 Q. Who is initialed by me. 29 Q. Have you ever seen the original or a copy of the original which has been 10 initialed by Ms. Kramm? 11 A. A copy of the original—12 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the original of that sketch which is initialed by Ms. Kramm? 19 A. Yes. Q. When did you see that? A. The exact date I would not 22 recall. 29 But you saw her initials? A. No, I didn't see her initials? A. I don't know whether what you saw whore finitials on the sketch. 10 initials on the sketch. 11 initials on the sketch. 12 A. No, I didn't see her initials? 12 A. I don't know whether what you skew did or did not did not did not dath whether initials on the sketch. 12 A. No, I don't recall sketch the sketch. 12 A. No, I don't recall sketch the sketch. 12 A. No, I don't recall sketch the sketch. 13 A. The exact date I would not 22 recall. 20 Q. Do you know who didn't know the legal the sketch. 14 A. No, I don't know the legal the pack to did not did not date her initials on the sketch. 15 which is at hild accument is a third which is the timilate on the sketch. 15 Which is see that? 16 VA registration for patent 1967. 17 On the sectch. 18 Do you were document states at the second sentence, I winch is signed off on by a person Helena Nielson? 20 Do you k	1			#A
8 event transpiring in that time period such 9 that Mr. Dickinson or Mr. Fishback created 10 these documents titled acknowledgment of 11 rights? 12 A. I'm not aware. 13 Q. And the next document is a third 14 document called acknowledgment of rights that 15 appears to also have a signature but at this 15 document called acknowledgment of rights that 16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 21 A. Yes. 22 Q. And was that at the same time 23 that you saw the Fishback and Dickinson 24 document? 25 A. Yes. 26 Q. And do you see that this 3 document states at the second sentence, I 4 created the original on the attached sketch 5 which is initialed by me. 6 Do you see that? 7 A. Yes, I do. 8 Q. Have you ever seen the original 9 or a copy of the original- 10 A. No, I didn't see her initials? 11 JOHN IRWIN 12 Q. That has been- 13 A. The sketch. 14 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I	1	-		18
9 that Mr. Dickinson or Mr. Fishback created 10 these documents titled acknowledgment of 11 rights? 12 A. I'm not aware. 13 Q. And the next document is a third 14 document called acknowledgment of rights that 15 appears to also have a signature but at this 16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 21 A. Yes. 22 Q. And was that at the same time 22 document? 23 that you saw the Fishback and Dickinson 24 document? 25 A. Yes. Page 31 1 JOHN IRWIN 2 Q. And do you see that this 3 document states at the second sentence, I created the original on the attached sketch which is initialed by me. 4 Do you see that? 5 A. Yes, I do. 6 Q. Have you ever seen the original or a copy of the original which has been initialed by Ms. Kramm? 11 A. A copy of the original- 12 Q. That has been- 13 A. The sketch mat is referred to formal or a copy of the original of that sketch which has been initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not recall. 22 Q. But you saw her initials? 23 Q. But you saw her initials? 24 A. No, I didn't see her initials on the sketch. 25 Do. Was ketch. 26 Q. Referring back to the complaint which I see you still have opened in front of you. 27 On the second page of that registration is signed off on by a person Helena Nielson? 28 A. Yes. 29 Q. Do you know who Ms. Nielson is? 20 Q. Have you aver seen the original or a copy of the original or a copy of the original- 20 Q. That has been- 21 initials on the sketch. 21 Q. Referring back to the complaint which is see you still have opened in front of you. 29 A. Yes, 18 Co. The section of patent 1967. 20 Q. Who is see that? 21 A. Yes. 22 Q. Do you know who Ms. Nielson is? 23 Q. Did you ever speak to her at all? 24 A. Yes A. Yes Co. Did you ever speak to her at all? 25 A. Yes Do you know who Ms. Nielson is? 26 Q. Did you ever discuss this registration for pattent 1967 with Ms. 27 Nielson? 28 A. Yes Co. Did you ever discuss this registration for pattent 1967		· ·		
10 these documents titled acknowledgment of 11 rights? 12 A. I'm not aware. 13 Q. And the next document is a third document called acknowledgment of rights that 14 appears to also have a signature but at this 16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 21 A. Yes. 22 Q. And was that at the same time 23 that you saw the Fishback and Dickinson 24 document? 25 A. Yes. 26 A. Yes. 27 JOHN IRWIN 2 Q. And do you see that this 3 document states at the second sentence, I 4 created the original on the attached sketch which is initialed by me. 26 Do you see that? 27 A. Yes, I do. 28 Q. Have you ever seen the original or a copy of the original which has been initialed by Ms. Kramm? 19 A. Yes, I do. 40 Q. The sketch that is referred to here. 10 initialed by Ms. Kramm? 11 A. No, I didn't see her initials? 22 A. No, I didn't see her initials I	1	" · · · · · · · · · · · · · · · · · · ·		1 22
11 rights? 12 A. I'm not aware. 13 Q. And the next document is a third 14 document called acknowledgment of rights that 15 appears to also have a signature but at this 16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 21 A. Yes. 22 Q. And was that at the same time 23 that you saw the Fishback and Dickinson 24 document? 25 A. Yes. 26 Q. And do you see that this 3 document states at the second sentence, I 4 created the original on the attached sketch which is initialed by me. 4 Do you see that? 4 Created the original on the attached sketch which is initialed by Ms. Kramm? 5 A. Yes, I do. 8 Q. Have you ever seen the original or a copy of the original which has been initialed by Ms. Kramm? 11 A. A copy of the original- 12 Q. That has been- 13 A. The sketch that is referred to here. 14 The sketch which has been 15 initials on the sketch. 16 Q. Referring back to the complaint 17 which Is see you still have opened in front of 14 you. Do you see the exhibit which is the 16 VA registration for patent 1967. 17 On the second page of that registration is signed off on by a person 18 registration is signed off on by a person 19 Helena Niclson? 20 A. Yes, I see that. 21 Q. Doy ou know who Ms. Nielson is? 22 A. Yes. 23 Q. Who is she? 24 A. Helena worked for the Textile 25 Distributor's Association in their office. Page 31 1 JOHN IRWIN 2 Q. Did you ever speak to her at all? 3 Q. Did you ever speak to her at all? 4 all? 5 A. A Copy of the original- 10 initialed by Ms. Kramm? 11 A. A copy of the original- 12 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. No, I didn't see her initials? 22 A. Yes. 23 Q. But you saw the ribitals? 24 A. I don't recall a discussion, no. 25 Q. Who is she? 26 A. A Yes. 27 A. No. 28 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 19 A. No. I didn't see her initials? 24				**************************************
12 A. I'm not aware. 13 Q. And the next document is a third 14 document called acknowledgment of rights that 15 appears to also have a signature but at this 16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 21 A. Yes. 22 Q. And was that at the same time 23 that you saw the Fishback and Dickinson 24 document? 25 A. Yes. Page 31 1 JOHN IRWIN 2 Q. And do you see that this 3 document states at the second sentence, I document? A. Yes, Job. Page 31 JOHN IRWIN C. And do you see that this document states at the second sentence, I document? A. Yes, Job Q. Did you ever seea to be read all? A. Yes Q. Do you know who Ms. Nielson is? A. At TDA meetings yes once in a while. A. Yes. Q. Did you ever discuss this insistration for pattern 1967 with Ms. Nielson? A. I don't recall a discussion, no. Q. Have you at any time since the commencement of th	1			
13 Q. And the next document is a third 14 document called acknowledgment of rights that 15 appears to also have a signature but at this 16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 21 A. Yes. 22 Q. And was that at the same time 23 that you saw the Fishback and Dickinson 24 document? 25 A. Yes. Page 31 1 JOHN IRWIN 2 Q. And do you see that this 3 document states at the second sentence, I created the original on the attached sketch which is initialed by ms. Kramm? 11 A. A copy of the originall—12 Q. That has been-10 initialed by Ms. Kramm? 11 A. A copy of the originall—12 Q. The sketch that is referred to here. 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. Who is she? 21 A. Yes. 22 Q. That has been-12 Q. The sketch that is referred to here. 23 A. Yes. 24 A. Yes. 25 Do you see the exhibit which is the VA registration for pattent 1967. 26 On the second page of that registration is signed off on by a person Helean Nielson? 27 A. Yes. Q. Do you know who Ms. Nielson is? 28 A. Yes. 29 Q. Who is she? 20 A. Helena worked for the Textile Distributor's Association in their office. Page 31 1 JOHN IRWIN 2 Q. And do you see that this document states at the second sentence, I created the original which has been initialed by Ms. Kramm? 3 A. Yes, I do. 3 Q. Have you ever seen the original of that sketch which has been initialed by Ms. Kramm? 3 A. The sketch that is referred to here. 3 A. Yes. 3 Q. Have you at any time since the commencement of this lawsuit attempted to speak to have you at any time since the commencement of this lawsuit? 4 A. No. 4 No. 5 Q. Have you attempted to speak to have you attempted to speak to have you at any other representative of TDA regarding this lawsuit? 4 A. No. 5 Q. But you saw her initials? 5 Q. But you saw her initials? 6 A. No, I idon't see her initials I	!	~		I.S.
14 document called acknowledgment of rights that 15 appears to also have a signature but at this 16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 21 A. Yes. 22 Q. And was that at the same time 22 A. Yes. 23 Q. Yes. 24 document? 25 A. Yes. Page 31 1 JOHN IRWIN 2 Q. And do you see that this 3 document states at the second sentence, I 4 created the original on the attached sketch which is initialed by Ms. Kramm? 10 A. A copy of the original-10 initialed by Ms. Kramm? 11 A. A copy of the original-12 Q. That has been-13 A. The sketch. 14 Q. The sketch that is referred to here. 15 Have you ever seen a copy or the original of that sketch which has been initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. No, I didn't see her initials? 22 A. No, I didn't see her initials? 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I	ļ			
15 appears to also have a signature but at this 16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 21 A. Yes. 22 Q. And was that at the same time 23 that you saw the Fishback and Dickinson 24 document? 25 A. Yes. 26 A. Yes. 27 A. Yes. 28 Page 31 29 JOHN IRWIN 20 And do you see that this document states at the second sentence, I created the original on the attached sketch which is initialed by me. 25 Do you see the exhibit which is the VA registration for patent 1967 on by a person Helena Nielson? 29 A. Yes, I see that. 20 Do you know who Ms. Nielson is? 20 A. Yes. 21 A. Yes. 22 Q. Who is she? 23 A. Helena worked for the Textile Distributor's Association in their office. Page 31 2 JOHN IRWIN 3 JOHN IRWIN 4 To what function I don't recall. 5 A. At TDA meetings yes once in a while. 7 A. Yes, I do. 8 Q. Have you ever seen the original or a copy of the original which has been initialed by Ms. Kramm? 10 A. A copy of the original—12 Q. That has been—13 initialed by Ms. Kramm? 11 A. A copy of the original—12 Q. That has been—14 Q. The sketch. 14 Q. The sketch that is referred to here. 15 here. 16 Have you ever seen a copy or the original of that sketch which has been initialed by Ms. Kramm? 19 A. Yes. 20 Q. Who is she? 21 JOHN IRWIN 2 To what function I don't recall. 3 Q. Did you ever speak to her at all? 4 all? 5 A. At TDA meetings yes once in a while. 7 Q. You attended TDA meetings? 8 A. Yes. 9 Did you ever discuss this registration for pattern 1967 with Ms. 10 Nielson? 11 A. I don't recall a discussion, no. 12 Q. Have you at any time since the commencement of this lawsuit attempted to speak with Ms. Nielson or any representative of TDA regarding this registration? 18 A. Yes. 19 A. Yes. 20 Did you ever discuss this registration for pattern 1967 with Ms. 11 Nielson? 12 A. I don't recall a discussion, no. 13 A. Hon't recall a discussion, no. 14 On the second page of that registration? 19 A. Yes. 20 Did you ever speak to her at all? 21 A. Hon't recall a discussion				
16 time by Yolanda Kramm. 17 Do you see that? 18 A. Yes. 19 Q. Have you ever seen this document 20 before? 21 A. Yes. 22 Q. And was that at the same time 23 that you saw the Fishback and Dickinson 24 document? 25 A. Yes. Page 31 1 JOHN IRWIN 2 Q. And do you see that this 3 document states at the second sentence, I 4 created the original on the attached sketch 5 which is initialed by me. 6 Do you see that? 7 A. Yes, I do. 8 Q. Have you ever seen the original or a copy of the original which has been initialed by Ms. Kramm? 11 A. A copy of the original— 12 Q. That has been— 13 A. The sketch that is referred to here. 14 Pave you ever seen a copy or the original of that sketch which has been initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 Q. Did you ever seek to her at all? 22 A. A to DA meetings yes once in a while. 23 A. I don't recall a discussion, no. 24 A. Yes. 25 A. At TDA meetings yes once in a while. 26 Did you ever discuss this 10 registration for pattern 1967. 27 A. Yes, I see that. 28 Q. Who is she? 29 A. Helena worked for the Textile 20 Distributor's Association in their office. Page 31 1 JOHN IRWIN 2 To what function I don't recall. 3 Q. Did you ever speak to her at all? 5 A. At TDA meetings yes once in a while. 6 While. 7 Q. You attended TDA meetings? 8 A. Yes. 9 Q. Did you ever discuss this 10 registration for pattern 1967 with Ms. 11 Nielson? 12 A. I don't recall a discussion, no. 13 A. The sketch which has been initialed by Ms. Kramm? 14 A. Yes, I do. 15 A. At TDA meetings yes once in a while. 16 While. 17 A. Yes, I do. 18 Q. Did you ever discuss this 10 registration for pattern 1967 with Ms. 11 Nielson? 12 A. A to yes. 13 A. I don't recall a discussion, no. 14 Q. Have you at any time since the 10 first has 10 registration? 15 A. No. 16 Q. Have you attempted to speak to 11 pk. Nielson or any representative of 12 pk. TDA regarding this registration? 16 Ms. Nielson or any other representative of 12 pk. TDA regarding this registration? 17 A. No. 18 Q. Did you ever discuss this 12	•			•
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7 A. Yes, I do. 8 Q. Have you ever seen the original 9 or a copy of the original which has been 10 initialed by Ms. Kramm? 11 A. A copy of the original- 12 Q. That has been- 13 A. The sketch. 14 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 7 Q. You attended TDA meetings? 8 A. Yes. 9 Q. Did you ever discuss this 10 registration for pattern 1967 with Ms. 11 Nielson? 12 A. I don't recall a discussion, no. 13 Q. Have you at any time since the 14 commencement of this lawsuit attempted to 15 speak with Ms. Nielson or any representative 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 po you know what a work for hire 23 is? 24 A. I don't know the legal		· · · · · · · · · · · · · · · · · · ·	1	
8 Q. Have you ever seen the original 9 or a copy of the original which has been 10 initialed by Ms. Kramm? 11 A. A copy of the original 12 Q. That has been 13 A. The sketch. 14 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials I 8 A. Yes. 9 Q. Did you ever discuss this 10 registration for pattern 1967 with Ms. 11 Nielson? 12 A. I don't recall a discussion, no. 13 Q. Have you at any time since the 14 commencement of this lawsuit attempted to 15 speak with Ms. Nielson or any representative 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal		3	1	
9 or a copy of the original which has been 10 initialed by Ms. Kramm? 11 A. A copy of the original 12 Q. That has been 13 A. The sketch. 14 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials I 9 Q. Did you ever discuss this 10 registration for pattern 1967 with Ms. 11 Nielson? 12 A. I don't recall a discussion, no. 13 Q. Have you at any time since the 14 commencement of this lawsuit attempted to 15 speak with Ms. Nielson or any representative 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 Q. But you saw her initials I 24 A. I don't know the legal	1 .		_	
10 initialed by Ms. Kramm? 11 A. A copy of the original 12 Q. That has been 13 A. The sketch. 14 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials I 20 registration for pattern 1967 with Ms. 11 Nielson? 12 A. I don't recall a discussion, no. 13 Q. Have you at any time since the 14 commencement of this lawsuit attempted to 15 speak with Ms. Nielson or any representative 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal		· · · · · · · · · · · · · · · · · · ·	1	
11 A. A copy of the original- 12 Q. That has been 13 A. The sketch. 14 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials I 24 A. I don't recall a discussion, no. 12 A. I don't recall a discussion, no. 13 Q. Have you at any time since the 14 commencement of this lawsuit attempted to 15 speak with Ms. Nielson or any representative 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal		17		* *
12 Q. That has been 13 A. The sketch. 14 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials I 24 A. I don't recall a discussion, no. 13 Q. Have you at any time since the 14 commencement of this lawsuit attempted to 15 speak with Ms. Nielson or any representative 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal		· · · · · · · · · · · · · · · · · · ·	1	•
13 A. The sketch. 14 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials I 13 Q. Have you at any time since the 14 commencement of this lawsuit attempted to 15 speak with Ms. Nielson or any representative 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal	1	1.7	ı	
14 Q. The sketch that is referred to 15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 14 commencement of this lawsuit attempted to 15 speak with Ms. Nielson or any representative 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal			1	
15 here. 16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 15 speak with Ms. Nielson or any representative 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal	1			· · · · · · · · · · · · · · · · · · ·
16 Have you ever seen a copy or the 17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 16 of TDA regarding this lawsuit? 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal	1		ŧ	
17 original of that sketch which has been 18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 17 A. No. 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal			1	
18 initialed by Ms. Kramm? 19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 18 Q. Have you attempted to speak to 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal	- 1		ŀ	
19 A. Yes. 20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 19 Ms. Nielson or any other representative of 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal		~	1	
20 Q. When did you see that? 21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 20 TDA regarding this registration? 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal	ı	•		` ' '
21 A. The exact date I would not 22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 21 A. No. 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal			1	
22 recall. 23 Q. But you saw her initials? 24 A. No, I didn't see her initials I 22 Q. Do you know what a work for hire 23 is? 24 A. I don't know the legal		,	ı	2 2 2
23 Q. But you saw her initials? 23 is? 24 A. No, I didn't see her initials I 24 A. I don't know the legal			}	
24 A. No, I didn't see her initials I 24 A. I don't know the legal			1	` '
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25 didn't know that you were asking did I see 25 definition of work for hire, no. As it	1	,	1	2
	2.	5 didn't know that you were asking did I see	25	definition of work for hire, no. As it